

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ANDRIES SNYMAN, Defendant.	CR. 16-50102-JLV COURT'S RESPONSE TO JURY NOTE
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MEMBERS OF THE JURY:

I received a note from one of your members which reads as follows:

In the elements 1-3

Does sexual activity mean "penetration" or the in intent of sexual penetration? Could we please clarify if we are trying to determine "intent of penetration."

Clarification of "intent" vs. "attempt."

RESPONSE:

In order to find Mr. Snyman guilty of attempted enticement of a minor using the internet, the government must prove beyond a reasonable doubt that Mr. Snyman intended to engage in an act of sexual penetration as defined in element three of instruction number 4. The government must prove beyond a reasonable doubt Mr. Snyman had this intent at the time he took a substantial step toward committing

attempted enticement of a minor using the internet. The government need not prove the act of penetration could have been accomplished.

Proof of intent is defined in instruction number 5. "Attempt" is defined in element one of instruction number 4.

Dated

December 8, 2017


JEFFREY L. VIKEN
CHIEF JUDGE